
TITLE 326 AIR POLLUTION CONTROL BOARD

Final Rule

LSA Document #10-112(F)

DIGEST

Amends [326 IAC 1-1-3](#) concerning an update to references to the CFR to mean the 2009 edition and amends [326 IAC 1-2-48](#), [326 IAC 19-2-1](#), and [326 IAC 20-28](#) to update citations to federal standards that are incorporated by reference. Effective 30 days after filing with the Publisher.

HISTORY

Findings and Determination of the Commissioner Pursuant to [IC 13-14-9-8](#) and Draft Rule: March 3, 2010, Indiana Register (DIN: [20100303-IR-326100112FDA](#)).

Notice of Public Hearing: March 3, 2010, Indiana Register (DIN: [20100303-IR-326100112PHA](#)).

Change in Notice of Public Hearing: May 5, 2010, Indiana Register (DIN: [20100505-IR-326100112CHA](#)).

Date of Hearing: June 2, 2010.

[326 IAC 1-1-3](#); [326 IAC 1-2-48](#); [326 IAC 19-2-1](#); [326 IAC 20-28-1](#)

SECTION 1. [326 IAC 1-1-3](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 1-1-3](#) References to the Code of Federal Regulations

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 3. Unless otherwise indicated, any reference to a provision of the Code of Federal Regulations (CFR) shall mean the July 1, ~~2008~~, **2009**, edition*.

*This body of documents is incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Board; [326 IAC 1-1-3](#); filed Mar 10, 1988, 1:20 p.m.: 11 IR 2369; filed Jan 6, 1989, 3:30 p.m.: 12 IR 1102; filed Dec 14, 1989, 9:35 a.m.: 13 IR 868; filed Aug 9, 1991, 11:00 a.m.: 14 IR 2218; filed May 25, 1994, 11:00 a.m.: 17 IR 2237; filed Jul 25, 1995, 5:00 p.m.: 18 IR 3381; filed Jul 25, 1997, 4:00 p.m.: 20 IR 3298; filed Oct 30, 2000, 2:13 p.m.: 24 IR 667; filed May 21, 2002, 10:20 a.m.: 25 IR 3054; filed Aug 26, 2004, 11:30 a.m.: 28 IR 17; filed Oct 14, 2005, 10:00 a.m.: 29 IR 795; filed Mar 17, 2006, 1:00 p.m.: 29 IR 2517; filed Apr 26, 2007, 9:38 a.m.: [20070523-IR-326060412FRA](#); filed Apr 1, 2008, 9:59 a.m.: [20080430-IR-326070373FRA](#); filed Jul 1, 2009, 3:12 p.m.: [20090729-IR-326080901FRA](#); filed Oct 1, 2010, 3:49 p.m.: [20101027-IR-326100112FRA](#))

SECTION 2. [326 IAC 1-2-48](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 1-2-48](#) "Nonphotochemically reactive hydrocarbons" or "negligibly photochemically reactive compounds" defined

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#)

Affected: [IC 13-17-3-14](#)

Sec. 48. (a) "Nonphotochemically reactive hydrocarbons" or "negligibly photochemically reactive compounds" refers to the list of organic compounds that have been determined to have negligible photochemical reactivity and are thereby excluded from the definition of volatile organic compounds (VOC) as follows:

(1) 40 CFR 51.100(s)(1)*, as amended at 74 FR 3437, January 21, 2009*.

(2) 40 CFR 51.100(s)(5)*.

(3) 40 CFR 51.100(s)(2)*, as measured by [326 IAC 8-1-4](#) and approved by the commissioner, subject to conditions under 40 CFR 51.100(s)(3) through 40 CFR 51.100(s)(4)*.

(b) Compliance calculations for coatings expressed as pounds VOC/gallon coating (less water) should treat nonphotochemically reactive compounds or negligibly photochemically reactive compounds as water for purposes of calculating the less water portion of the coating composition.

*These documents are incorporated by reference. Copies referenced in this section may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are available for review and copying at the Indiana Department of Environmental Management, Office of Legal Counsel, **Air Quality**, Indiana Government Center North, ~~Thirteenth~~ **Tenth** Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Board; [326 IAC 1-2-48](#); filed Mar 10, 1988, 1:20 p.m.: 11 IR 2373; filed Sep 23, 1988, 11:59 a.m.: 12 IR 255; filed Jan 16, 1990, 4:00 p.m.: 13 IR 1016; filed Aug 9, 1993, 5:00 p.m.: 16 IR 2827; filed Sep 5, 1995, 12:00 p.m.: 19 IR 29; filed May 13, 1996, 5:00 p.m.: 19 IR 2855; errata filed Mar 21, 1997, 9:50 a.m.: 20 IR 2116; filed Jun 9, 2000, 10:01 a.m.: 23 IR 2704; filed May 21, 2002, 10:20 a.m.: 25 IR 3055; filed Oct 20, 2005, 1:30 p.m.: 29 IR 796; filed Apr 26, 2007, 9:38 a.m.: [20070523-IR-326060412FRA](#); filed Jan 6, 2010, 4:07 p.m.: [20100203-IR-326090477FRA](#); filed Oct 1, 2010, 3:49 p.m.: [20101027-IR-326100112FRA](#))

SECTION 3. [326 IAC 19-2-1](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 19-2-1](#) Applicability; incorporation by reference of federal standards

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 1. (a) This rule, unless specifically exempted in the applicability section of 40 CFR 93, Subpart A*, applies to transportation plans, programs, and projects in nonattainment or maintenance areas for transportation-related criteria pollutants that are developed, funded, or approved by the United States Department of Transportation (DOT) and by metropolitan planning organizations (MPOs) or other recipients of funds under Title 23 United States Code (U.S.C.) or the Federal Transit Laws.

(b) This rule applies to regionally significant projects, regardless of funding source, located in nonattainment or maintenance areas for transportation-related criteria pollutants for which the area is designated nonattainment or has a maintenance plan.

(c) The air pollution control board incorporates by reference the following:

(1) 40 CFR 51, Subpart T*.

(2) 40 CFR 93, Subpart A*. ~~as amended by 69 FR 40072, July 1, 2004*.~~

*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, 732 North Capitol Street NW, Washington, D.C. 20401 or are also available for review and copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, Tenth Floor, 100 North Senate Avenue, Indianapolis, Indiana 46204.

(Air Pollution Control Board; [326 IAC 19-2-1](#); filed Apr 28, 1997, 4:00 p.m.: 20 IR 2298; filed Oct 20, 1998, 4:45 p.m.: 22 IR 751; filed May 21, 2002, 10:20 a.m.: 25 IR 3085; filed Oct 20, 2005, 1:30 p.m.: 29 IR 797; filed Oct 1, 2010, 3:49 p.m.: [20101027-IR-326100112FRA](#))

SECTION 4. [326 IAC 20-28-1](#) IS AMENDED TO READ AS FOLLOWS:

[326 IAC 20-28-1](#) Hazardous waste combustors; applicability; incorporation by reference of federal standards

Authority: [IC 13-14-8](#); [IC 13-17-3-4](#); [IC 13-17-3-11](#)

Affected: [IC 13-15](#); [IC 13-17](#)

Sec. 1. (a) This rule applies to all hazardous waste combustors as provided in 40 CFR 63.1200*. ~~64 FR 52828~~

~~(September 30, 1999)*, including the following:~~

- ~~(1) Hazardous waste incinerators.~~
- ~~(2) Hazardous waste burning cement kilns.~~
- ~~(3) Hazardous waste burning lightweight aggregate kilns.~~

~~(b) The air pollution control board incorporates by reference 40 CFR 63, Subpart EEE*, 64 FR 52828 (September 30, 1999)*, 64 FR 63209 (November 19, 1999)*, 65 FR 42292 (July 10, 2000)*, and 65 FR 67268 (November 9, 2000)*, National Emission Standards for Hazardous Air Pollutants for from Hazardous Waste Combustors. with the exception of the following sections:~~

- ~~(1) 63.1206(a)(2), concerning sources that do not intend to comply.~~
- ~~(2) 63.1210(b), concerning notification of intent to comply.~~
- ~~(3) 63.1210(c), concerning public meeting and notice of intent to comply.~~
- ~~(4) 63.1211(b), concerning compliance progress reports associated with the notification of intent to comply.~~
- ~~(5) 63.1212(a), concerning certification of intent to comply.~~
- ~~(6) 63.1212(b), concerning sources that begin burning hazardous waste after September 30, 1999.~~

*These documents are incorporated by reference. Copies may be obtained from the Government Printing Office, Washington, D.C. 20402, or are available for copying at the Indiana Department of Environmental Management, Office of Air Quality, Indiana Government Center North, 100 North Senate Avenue, Tenth Floor, Indianapolis, Indiana.

(Air Pollution Control Board; [326 IAC 20-28-1](#); filed Jun 21, 2001, 2:23 p.m.: 24 IR 3617; errata filed Oct 10, 2001, 3:34 p.m.: 25 IR 813; filed Oct 1, 2010, 3:49 p.m.: [20101027-IR-326100112FRA](#))

LSA Document #10-112(F)

Findings and Determination of the Commissioner Pursuant to [IC 13-14-9-8](#): [20100303-IR-326100112FDA](#)

Hearing Held: June 2, 2010

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Approved by Governor: September 28, 2010

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Documents Incorporated by Reference: 29 CFR, July 1, 2009 edition; 40 CFR, July 1, 2009 edition

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